

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ANA R. FRIAS INDIVIDUALLY AND
ON BEHALF OF HER MINOR CHILD
A.F.

Plaintiffs

v.

TRISTAR PRODUCTS, INC.

Defendant

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CIVIL ACTION NO.: 5:16-CV-00104

PLAINTIFF'S RULE 26(a)(2) DISCLOSURE OF EXPERT TESTIMONY

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Ana R. Frias, Individually and on Behalf of Her Minor Child, A.F., serves this Disclosure of Expert Testimony.

I.

RETAINED TESTIFYING LIABILITY EXPERTS

- 1. Dr. John Edward Akin**
Consulting Engineer
Economics Research
1400 Herman Drive, Ste.6B
Houston, Texas 77004
(713) 348-4879

Dr. Akin written report pertaining to the Defendant's liability (including a complete statement of all opinions the witness will express and the basis and reasons for them; the facts or data considered; any exhibits that will be used to summarize or support the opinions; the witness' qualifications, including a list of publications authored in the previous ten years; a list of other cases during the previous four years in which the expert testified; and a statement of compensation to be paid for study and testimony) is attached as **Exhibit 1**.

Furthermore, the materials mentioned above (**Bates No. FRIAS00304-00330**) are available for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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2. **Christine Vidouria, D.O., CLCP**
Physician Life Care Planning, LLC
11550 IH-10 West, Suite 375
San Antonio, Texas 78230
(210) 501-0995

Dr. Vidouria's written report pertaining to the injuries sustained by Ana R. Frias and her minor child, A.F., (including a complete statement of all opinions the witness will express and the basis and reasons for them; the facts or data considered; any exhibits that will be used to summarize or support the opinions; the witness' qualifications, including a list of publications authored in the previous ten years; a list of other cases during the previous four years in which the expert testified; and a statement of compensation to be paid for study and testimony) is attached as **Exhibit 2**. Furthermore, the materials mentioned above (**Bates No. FRIAS00331-00372**) are available for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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II.

NON-RETAINED HEALTH CARE PROVIDERS

The following listed persons are physicians or health care providers who will testify as to the injuries sustained by Ana R. Frias and her minor child, A.F., s and their analysis of

causation, diagnosis, prognosis and scope of the injuries. They are non-retained, testifying, consulting experts who were/are the treating physicians or health care providers for Ana R. Frias and her minor child, A.F. They will testify as to the nature of the injuries sustained by Ana R. Frias and her minor child, A.F. and that the care in the past was reasonable and necessary. They are qualified by their education, training and experience to offer their opinions. They will also testify as to the reasonableness and necessity of medical treatment/expenses associated with the treatment rendered to Ana R. Frias and her minor child A.F. Please refer to the medical records, medical affidavits and/or Depositions by Written Questions for their opinions, mental impressions, and conclusions, as well as their depositions which may or have been taken in this case and which are incorporated herein by reference for all purposes.

1. **Ramon Cestero, M.D.**
Ernest Lee Wheeler, P.A.
John K. Fang, M.D.
Hernan A. Sanchez Trejo, M.D.
Brian Eastridge, M.D.
Almaz Kurbanov, M.D.
All nursing, rehab and therapy, case management, pharmacy,
and other staff whose names appear in the University Health
System records
Custodian of Records for University Health System
University Health System
4502 Medical Drive
San Antonio, Texas 78229
Phone: (210) 358-4000

The subject matter on which these witnesses are expected to testify is the nature and extent of the injuries suffered by Ana R. Frias as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. These witnesses will discuss the fact that Ana Frias suffered a partial thickness burn to the anterior chest, bilateral arms and dorsum of her right foot. The medical and other records pertaining to Ana R. Frias and related to these witnesses (**Bates Nos. *FRIAS00008-00059***) are available for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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2. **Jami Leifeste, EMT Paramedic**
Sandy Castorena, EMT Basic
John Hernandez, EMT Basic
Custodian of Records for Acadian Ambulance Services
Acadian Ambulance Services
130 E. Kaliste Saloom Road
Lafayette, LA 70508
(337) 291-3333

The subject matter on which these witnesses are expected to testify is the nature and extent of the injuries suffered by Ana R. Frias as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. They will discuss the fact that Ana R. Frias suffered 1st degree burns. The medical and other records pertaining to Ana R. Frias and related to these witnesses (**Bates Nos. *FRIAS00001-00007***) are available for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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3. **Douglas Smith, M.D.**
Custodian of Records for Paesanos Parkway Imaging
Paesanos Parkway Imaging
3603 Paesanos Parkway, Suite 110
San Antonio, Texas 78231
Phone: (210) 479-1966

The subject matter on which these witnesses are expected to testify is the nature and extent of the injuries suffered by Ana R. Frias as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. They will testify regarding the complex

free edge tearing of the anterior labrum and inferior surface fraying of the superior labrum, and the intrasubstance tearing for the subscapularis tendon. They will also testify regarding the broad-based subligamentous disc herniation at C5-6 of 4 mm in the AP dimension producing impression on the thecal sac, and posterior annular disc bulges at C3-4, C4-5, and C6-7. The medical and other records pertaining to Ana R. Frias and related to these witnesses (**Bates Nos. *FRIAS00059-00062***) are available for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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4. **Adam J. Bruggeman, M.D.**
Custodian of Records for Adam J. Bruggeman, M.D.
Texas Spinecare Center
20770 US 281 North
San Antonio, Texas 78258-6240
Phone: (210) 802-4662

The subject matter on which these witnesses are expected to testify is the nature and extent of the injuries suffered by Ana R. Frias as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. These witnesses will testify regarding Ana R. Frias' neck and shoulder injury, the fact that she has significant disc herniation at C5-6 with central stenosis and contact of the spinal cord, and the need for pain management and an anterior cervical discectomy and fusion at C5-C6. The medical and other records pertaining to Ana R. Frias and related to these witnesses (**Bates Nos. *FRIAS00266-00276***) are available for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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5. **Danielle Clark**
Custodian of Records for Texas Physical Therapy
Texas Physical Therapy
300 E. Sonterra Blvd., Ste. 210
San Antonio, Texas 78258
Phone: (210) 494-4500

Ana R. Frias just started treating with this health care provider. The subject matter on which these witnesses are expected to testify is the nature and extent of the injuries suffered by Ana R. Frias as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. The medical and other records pertaining to Ana R. Frias and related to these witnesses will be made available (as soon as they are obtained by Plaintiff) for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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6. **Brian Eastridge, M.D.**
Alissa Hernandez, M.D.
Juan M Febres Valecillos, M.D.
Abby P. Hendricks, M.D.
Mary von Heiland, APRN-BC
Kyle D. Sulak, D.O.
Hernan A. Sanchez Trejo, M.D.
Wendell C. Johnson, D.O.
Jeremy S. Perlman, M.D.
Robert M. Zahn, M.D.
Lorne H. Blackbourne, M.D.
Susan K. McCollow, N.P.
All nursing, rehab and therapy, case management, pharmacy,
and other staff whose names appear in the University Health
System records
Custodian of Records for University Health System
University Health System
4502 Medical Drive
San Antonio, Texas 78229
Phone: (210) 358-4000

The subject matter on which these witnesses are expected to testify is the nature and extent of the injuries suffered by the minor child, A.F., as a result of the incident, as well as the reasonable

and necessary expenses incurred in treating those injuries. These witnesses will discuss the fact that A.F. suffered a partial thickness burn to her bilateral upper extremities, right breast, left breast, and right shoulder. The medical and other records pertaining to the minor child, A.F., and related to these witnesses (**Bates Nos. FRIAS00073-00234**) are available for download at the following Dropbox link:

Please click on the link below, or enter it into your browser, to download the documents referenced above:

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7. **Dr. Thomas Jeneby**
Plastic and Cosmetic Center of South Texas
7272 Wurzbach Rd., Ste 801
San Antonio, Texas 78240
210-270-8595

The subject matter on which this witness is expected to testify is the nature and extent of the injuries suffered by the minor child, A.F., as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. Dr. Jeneby will discuss the diagnostic evaluation for cosmetic surgery of the wounds suffered by the minor child, A.F. The medical and other records pertaining to the minor child, A.F., and related to this witness (**Bates Nos. FRIAS00235**) are available for download at the following Dropbox link:

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8. **Darrell Parsons, LCSW**
7434 Louis Pasteur, Ste. 22
San Antonio, Texas 78229
210-827-1517

The subject matter on which this witness is expected to testify is the nature and extent of the injuries suffered by the minor child, A.F., as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. Mr. Parsons will discuss his

diagnostic evaluation of A.F. and the related therapy sessions to address the emotional impact of her injuries. The medical and other records pertaining to the minor child, A.F., and related to this witness (**Bates Nos. FRIAS00236, 00277-00286**) are available for download at the following Dropbox link:

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9. **Jami Leifeste, EMT Paramedic**
Sandy Castorena, EMT Basic
John Hernandez, EMT Basic
Custodian of Records for Acadian Ambulance Services
Acadian Ambulance Services
130 E. Kaliste Saloom Road
Lafayette, LA 70508
(337) 291-3333

The subject matter on which these witnesses are expected to testify is the nature and extent of the injuries suffered by the minor child, A.F., as a result of the incident, as well as the reasonable and necessary expenses incurred in treating those injuries. They will discuss the fact that the minor child, A.F., suffered 1st and 2nd degree burns to her bilateral upper extremities and chest. The medical and other records pertaining to the minor child, A.F., and related to these witnesses (**Bates Nos. FRIAS00063-00072**) are available for download at the following Dropbox link:

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III.

DEFENDANT'S DESIGNATED EXPERTS

Plaintiff cross-designates and reserves the right to call as an expert witness each person, if any, Defendant has timely designated as an expert in this case. Plaintiff reserves the right to

challenge each such expert's qualifications and/or the reliability and relevance of such expert's opinions. Plaintiff reserves the right to elicit testimony falling within the scope of Rule 702, 703 and 705 of the Federal Rules of Evidence from any and all experts designated by any other party hereto.

IV.

EXPERT REBUTTAL WITNESSES

Plaintiff also reserves the right to call rebuttal expert witnesses. Plaintiff cannot anticipate the need for rebuttal expert witness testimony at this time. Moreover, because of the subject matter concerning which testimony may require rebuttal testimony, Plaintiff's rebuttal expert witness(es) cannot be anticipated nor can Plaintiff provide more detail regarding their testimony at this time.

Respectfully submitted,

WYATT LAW FIRM, LTD.

/s/ Paula A. Wyatt

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San Antonio, Texas 78216

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Facsimile: (210) 340-5581

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that, pursuant to F.R.C.P., a true and correct copy of the foregoing instrument was served upon the Attorneys of Record for all parties to the above cause on this the 4th, day of November, 2016.

VIA E-mail and U.S. Certified Mail Return Receipt Requested

Joseph A. Ziemiaaski
Adam C. Gutmann
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/s/ Paula A. Wyatt
Paula A. Wyatt